# HEARING CONSERVATION PROGRAM

# REGULATIONS

## and

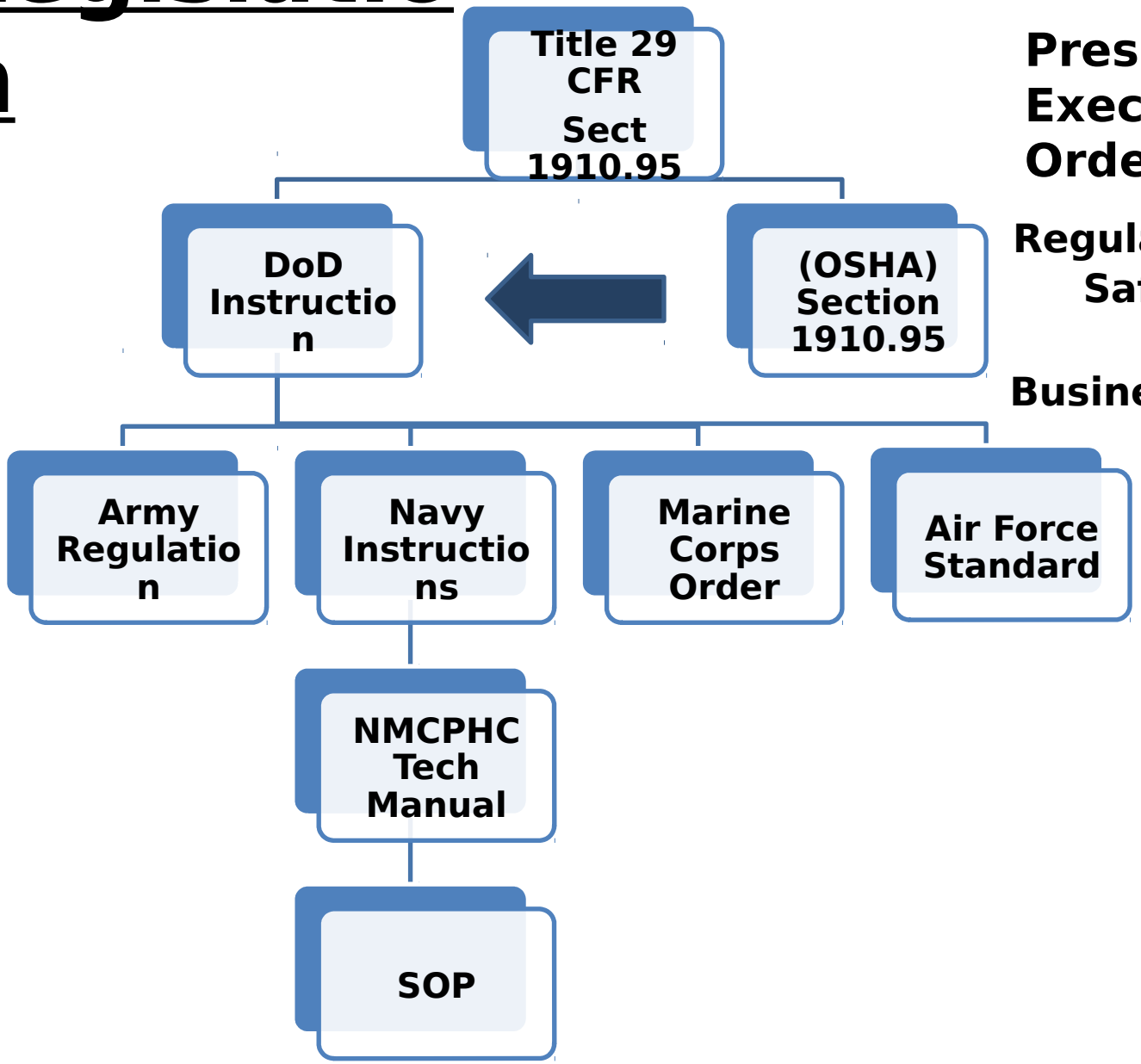
# COMPENSATION

OSHA
Occupational Safety and Health Administration
www.osha.gov

# Learning Objectives

1. **Recognize the federal legislation and agencies regulating hearing conservation.**
2. **Identify the regulations that contain HCP instructions for DoD employees.**
3. **Name who to notify for hearing injuries (PTS) for military and civilian personnel.**
4. **Locate the website resources for military regulations and instructions for HCP.**
5. **Discuss general concepts related to compensation awards.**

# Legislation




**Presidential Executive Order**

**Regulates & Monitors Safety & Health Issues for Business & Industry**

# OSHA Guidelines

**All programs must meet or exceed OSHA standards**

1. **Monitor hearing of workers exposed to noise levels ≥ 85 dBA**

2. **HPDs required when noise levels are**

   a. **≥ 90 dBA TWA**

   b. **≥ 85 dBA TWA for documented PTS**

3. **HPDs must be available for any worker exposed to noise levels ≥ 85 dBA**

# Title 29, Code of Federal Regulations Part 1904 Occupational Injury and Illness

## Recording and Reporting Requirements

**PTS Identified**

**Average loss at 2, 3, 4k Hz > 25 dB**

**Recorded in medical record**

**Verified PTS sent to Command's Safety Officer**

**Civilian: OSHA 300 Log**

**Active Duty: Navy Safety Center**

# Examples of Similarities & Differences

| SIMILARITIES BETWEEN OSHA & DOD |
| --- |
| Definition of STS |
| HCP Action noise level is ≥ 85dBA |
| HC Education and training requirements |
| Hazardous noise signs posted |
| **DIFFERENCES BETWEEN OSHA & DOD** |
| OHC Technician certification |
| Decibel allowance for biologic calib of audiometers |
| Age correction for STS |
| Use of HPDs for 14 hr auditory rest |

# DoD Instruction 6055.12 Hearing Conservation Program

**Each department must….**

- **protect personnel from occupational hearing loss**
- **use comprehensive HCPs**
- **applies to tri-service secretariat level**
- **applies to all military and civilian personnel and operations world-wide**

# DoD Instruction 6055.12 Hearing Conservation Program #2

**Provides basic suggestions for program elements**

***BUT*** **does not provide specifics.**

**Mandates that each Service must -**

1. **develop service-specific procedures**
2. **meet these minimum instructions**

# Procedures to Achieve HCP Elements

***Must be discussed by each Military Service Instruction***

- ✓ **Overview of HCP**
- ✓ **Roles and Responsibilities**
- ✓ **Fitness for Duty issues**
- ✓ **Forms and Protocols**
- ✓ **Evaluation of Statistics to determine HCP Effectiveness**

**USA USAF USN USMC USCG**

# Army Hearing Conservation Regulations

## DA PAM 40-501

- Specific to soldiers and civilian employees on Army installations and during operations
- Program manager location – United States Army Public Health Command, Aberdeen, MD
- Differences – command hierarchy/titles, Fitness for Duty (FFD) ratings
- Similarities – Procedures and protocols, forms
- All Army personnel now enrolled in “Hearing Conservation Program”

# Air Force Hearing Conservation Regulations

## AFOSH Standard 48-20

- Specific to airmen and civilian employees on Air Force installations and during USAF activities
- Program manager location– School of Aerospace Medicine, Wright-Patterson AFB,  Dayton, OH
- Differences – command hierarchy/titles, Fitness for Duty ratings
- Similarities – enrollment requirements, procedures and protocols, forms

# Marine Corps Hearing Conservation Program

## MCO 6260.1

- Marine Corp Order implements the HCP for Marines and civilians at training installations and during operations
- Program manager location: Washington DC
- Different from other HCPs
- Every Marine now enrolled in HCP

# Navy Hearing Conservation Regulations

## OPNAVINST 5100.23

- All aspects of Occupational Safety and Health in the workplace <u>Ashore</u>
- Chapter 18 – HCP

## OPNAVINST 5100.19

- All aspects of Occupational Safety and Health for the <u>Fleet</u>
- Chapter B4 – HCP

**Program manager location – NMCPHC, Portsmouth, VA**

# NMCPHC Technical Manual 6260.51.99 series – 2 (Sept 2008)

**Navy & MC**

**Public Health Center**

**HCP and**

**Procedures Manual**

**Detailed guidance for Medical Dept personnel to implement OPNAV Instructions**

**Listed as major reference in 5100.19, 5100.23, and MCO 6260 series**

# Local Commands

***Military Treatment Facilities MTFs***

**Local SOP often used to implement HCP**

**Evidence and proficiency assurance for inspection teams…**

**Joint Commission & MEDIG, INSERVE, ATG**

# OHC Technician's Concern with Regulations

**Regulations provide reference**

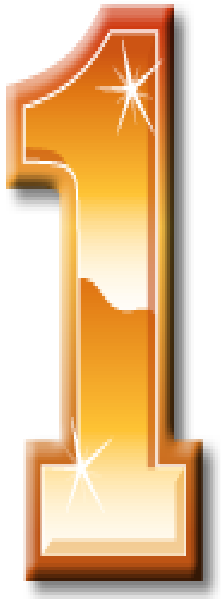
a. **general HCP information**
b. **procedures**
c. **protocols**
d. **certification requirements**

**Required to keep copies in testing area**

**(physical or electronic copies)**

# Hearing Loss Compensation

## Hearing and Tinnitus

# 

**Top Reason for Military Disability Claims**

**Highest Category of Compensation Costs**

**VA Benefits Report 2010**

# Hearing Loss Compensation

## Military

**Amounts determined by Veteran's Administration**

**Lifetime award – percent hearing loss is percentage of monthly salary for life**

**Payments often in form of tax exemption on retirement pay**

## Civilians

**Amounts determined by OWCP**

**One-time award – additional if condition aggravated during employment**

**Prohibits collecting from multiple employers for same loss concurrently (VA & OWCP)**

## Military

**Medical Board determines disability & award or disability claim filed upon termination of service**

**Disability rating determined to establish degree of handicap.**

**Multiple conditions yield cumulative percentage**

## Civilians

**Professional review of each claim:**

**Awarded only for work related noise exposure (≥85dBA TWA)**

**Awarded only for noise-induced hearing loss (no other etiology)**

**Awarded only for portion of loss incurred during federal employment**

# Hearing Related Costs for Veterans FY 2010

| Service | Encounters/Items | Dollar Cost * |
|---|---|---|
| VA Physical C&P Exams | 1,364,165 | 207,608,000 |
| Hearing Aids | 561,212 | 196,964,000 |
| Assistive Listening Devices | 35,143 | 4,639,000 |
| Batteries | 44,086,395 | 5,428,000 |
| Parts & Accessories | 2,372.768 | 4,380,000 |
| Hearing Aid Repairs | 315,892 | 14,076,000 |
| Cochlear Implants | 436 | 4,652,000 |
| Adjudication & Appeals | Unknown | ??? |
| Lost Production Time | Unknown | ??? |
| **TOTAL COST estimate** | | **$433,095,000** |

* rounded to nearest thousand

# Hearing Loss & Tinnitus Compensation Claims FY10

| MAJOR DISABILITY CLAIMED | PERCENT OF TOTAL DISABILITY CLAIMS | COMPENSATION AWARDS |
|---|---|---|
| Hearing Loss | 17% | $ 1,063,000,000 |
| Tinnitus | 30% | $ 336,660,000 |
| TOTAL | | $ 1,399,660,000 |

# Embedded and Unknown Costs

| UNKNOWN NUMBER of VETS | LIFETIME ENTITLEMENTS |
| --- | --- |
| **Hearing Loss & Tinnitus awarded compensation as secondary disabilities**<br><br>**Hearing Loss & Tinnitus not compensated**<br>**BUT rated 0% disability** | **Disability awards can change over a lifetime**<br><br>**THEREFORE**<br><br>**Compensation amounts can increase as injuries worsen** |

EQUALS

# $1,832,755,000 +

**(that's over a billion dollars in one year – 2010)**

**Hearing Loss Major Disability Claims**

**C**

**+**

**C**

**+ Embedded & Unknown Costs**

**WHAT ABOUT CIVILIAN WORKERS CLAIMING HEARING INJURIES WHILE WORKING FOR DOD?**

# Reality Check

**2010 = $1.8+ Billion buys….**

**18+ Joint Strike Fighters @ $100M**

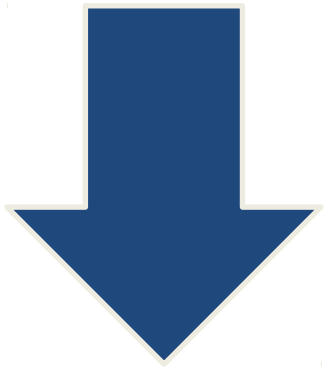
**OR**

**450+ M1A1 Abram Tanks @ $4M**

**OR**

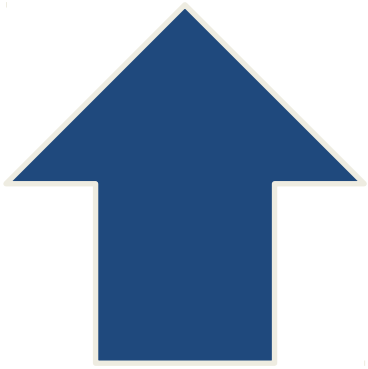
**19+ Years of Employment for 535 Legislative Elected Officials**

# DoD Operational Budget



***VA Medical Claims***
***Misc Veterans Benefits***
***ALWAYS PAID FIRST***

***Ships, Tanks, Planes***
***Hospitals, Bases,***
***Salaries***



# *ONLY SOLUTION…*

## Conserve Hearing and Prevent Rising Costs

**Accurate Hearing Testing**

**Conscientious Follow-up**

**Careful Fitting & Re-fitting of HPDs**

**Effective Counseling**

**Meaningful Hearing Health Education**

**Enforced HPD Use**

**Successful HCP Management**

Summary

# Decreasing Compensation Costs

Effective engineering controls & noise abatement

Hearing conservation education for work & recreational activities

Enforcement of HPD use at all responsibility levels

Audiometric monitoring for early identification of hearing changes

Program Management statistical evaluation of effectiveness

# QUESTIONS?